

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

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PYLORD P. DOE, M.D.,

Plaintiff,

v.

XAVIER BECERRA, M.D.; WALTER J.
KEROSHETZ, M.D.; CARLTON M.
HADDEN; and ANDREA DOWNING,

Defendants.

Case No. 2:23-cv-00178

DISMISSAL ORDER

A review of the docket in this case reveals the following:

1. On August 1, 2023, Plaintiff Pylord P. Doe, M.D., representing himself, was denied permission to proceed *in forma pauperis* (“IFP”) under 28 U.S.C. § 1915. (Doc. 3.)
2. On August 15, 2023, Plaintiff timely paid the case filing fee, and his Complaint was filed. (Doc. 5.) The court issued summonses for each Defendant as well as the United States Attorney General.
3. On August 31, 2023, Plaintiff filed a motion requesting court order service by the United States Marshal Service of the summons under Fed. R. Civ. P. 4(c)(3). (Doc. 6.)
4. On September 19, 2023, the court denied without prejudice Plaintiff’s motion determining that Defendants can be served by registered or certified mail and finding service by mail is not onerous. The court advised Plaintiff the motion could be refiled together with a request to extend the time for service under Rule 4(m) if he was unable to properly complete service by November 13, 2023. (Doc. 7 at 4.) Plaintiff was warned: “Failure to do so, or to file proof of service as required by Rule 4(l), shall result in dismissal of the case without prejudice.” *Id.*
5. On October 18, 2023, summonses for each Defendant were reissued.
6. No further filings have been received as of the date of this Order.

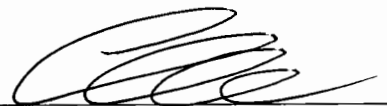
Federal Rule of Civil Procedure 4(m) states that “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice

to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). Rule 4(l)(1) requires proof of service be made to the court. On September 19, 2023, Plaintiff was ordered to properly complete service by November 13, 2023. Plaintiff was also provided the option to refile a motion requesting the court’s assistance with service if he was unable to properly complete service. He was explicitly warned that failure to file a proof of service or to file a motion would result in the dismissal of his case.

Because Plaintiff has failed to provide proof of timely service or waivers as to any Defendant, or to file a motion seeking court assistance with service, by November 13, 2023, this action must be DISMISSED WITHOUT PREJUDICE under Rule 4(m). The court may also dismiss for failure to comply with the court’s September 19, 2023 Order. *See* Fed. R. Civ. P. 41(b) (authorizing dismissal of an action when “the plaintiff fails to prosecute or to comply with these rules or a court order”).

SO ORDERED.

Dated at Burlington, in the District of Vermont, this 12th day of December, 2023.



Christina Reiss, District Judge
United States District Court